

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1-18 are amended to overcome a rejection under 35 U.S.C. §112, second paragraph, and to incorporate language suggested by the Patent Office. No new matter is added by the Amendment.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Gordon in the August 25, 2006 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Allowable Subject Matter

Applicants note with appreciation that claims 12-14 contain allowable subject matter.

II. Response to Arguments Section

The Patent Office indicates that the functional recitation that operation of the discharging means maintains the desired liquid level was not given patentable weight because it was allegedly in narrative form.

In the May 30, 2006 Office Action, the Patent Office recommended amending claims 1 and 10 to recite "a means for maintaining the liquid at the desired liquid level in the discharging vessel and the storage vessel, wherein the means for maintaining the desired liquid level is a liquid discharging means connected to the discharge tube to discharge the liquid from the discharging vessel through the discharge tube," as suggested by the Patent Office. However, during the August 25, 2006 interview, Examiner Gordon further recommended amending claims 1 and 10 to recite that the means for maintaining the liquid at the desired liquid level in the discharging vessel and the storage vessel comprises the liquid supplying means and the liquid discharging means.

Thus, to expedite the prosecution of this application, Applicants have amended claims 1 and 10 to recite "a means for maintaining the liquid at the desired liquid level in the discharging vessel and the storage vessel, wherein the means for maintaining the desired

liquid level comprises the liquid supplying means and a liquid discharging means connected to the discharge tube to discharge the liquid from the discharging vessel through the discharge tube...".

Applicants submit that this recitation should be given patentable weight as confirmed by the Patent Office in the May 30, 2006 Office Action and during the August 25, 2006 interview.

III. Rejection Under 35 U.S.C. §112, second paragraph

Claims 1-18 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Patent Office alleges that the preamble of the claims refers to the device as liquid treating equipment, but there is allegedly no element provided which provides for any treatment of the liquid.

To expedite the prosecution of this application, Applicants have amended the preamble of claims 1-18 to refer to "equipment." Reconsideration and withdrawal of the rejection are thus respectfully requested.

Applicants submit that claims 1-18 are definite. Reconsideration and withdrawal of this rejection are respectfully requested.

IV. Rejections Under 35 U.S.C. §103(a)

A. Barngrover

Claims 1-11, 15 and 19 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,733,776 ("Barngrover").* This rejection is respectfully traversed.

The Patent Office alleges that Barngrover teaches a media supply vessel (allegedly corresponding to the storage vessel recited in the claims), an agitation vessel (allegedly

* Claim 19 was previously canceled, and thus inclusion of claim 19 in the rejection is believed to be erroneous.

corresponding to the discharging vessel recited in the claims), and inlet/outlets (allegedly corresponding to the discharge tube recited in the claims). Applicants respectfully disagree with the Patent Office's allegations.

Applicants submit that Barngrover does not teach or suggest a means for maintaining the liquid at the desired liquid level in the discharging vessel and the storage vessel, wherein the means for maintaining the desired liquid level comprises a liquid supplying means and a liquid discharging means connected to the discharge tube to discharge the liquid from the discharging vessel through the discharge tube, as recited in claims 1 and 10.

In the "Response to Arguments" section of the May 30, 2006 Office Action, the Patent Office cites column 3, lines 23-30 of Barngrover as allegedly teaching a means that is capable of maintaining a certain level of liquid within the system. Applicants respectfully disagree.

Barngrover teaches a first inlet/outlet and second inlet/outlet, which allow the flow of liquid from the agitation vessel to the settling vessel (see column 4, lines 32-36, and column 3, lines 4-6 of Barngrover), and a second variable inlet/outlet, which allows for a portion of liquid to be drawn out of the settling vessel (see column 3, lines 21-23 of Barngrover). Barngrover teaches that the various inlets and outlets allow for flow of liquid to/from the settling vessel, and from the agitation vessel. While flow is provided for, nothing in Barngrover teaches that flow is controlled to maintain any particular liquid levels in any vessel, much less to be the same liquid level in both the storage vessel and discharging vessel as required in the present claims.

Thus, Applicants submit that Barngrover does not teach or suggest a means for maintaining the liquid at the desired liquid level in the discharging vessel and the storage vessel, wherein the means for maintaining the desired liquid level comprises a liquid supplying means and a liquid discharging means connected to the discharge tube to discharge the liquid from the discharging vessel through the discharge tube, as recited in claims 1 and

10. Specifically, Barngrover does not teach or suggest that the liquid discharging means (allegedly corresponding to the first inlet/outlet and second inlet/outlet) maintains the liquid at the desired liquid level in the discharging vessel (allegedly corresponding to the agitation vessel) and the storage vessel (allegedly corresponding to the media supply vessel).

Moreover, Barngrover teaches that the amount of liquid in the media supply vessel (allegedly corresponding to the storage vessel) and the agitation vessel (allegedly corresponding to the discharging vessel) is controlled by a peristaltic pump positioned between these two vessels. See column 5, lines 59-61 of Barngrover. Thus, the amount of liquid in the storage vessel and the discharging vessel is not controlled by the liquid supplying means and the discharging tubes connected to the liquid discharging means as required in the present claims, but is instead controlled by a pump.

For the foregoing reasons, Applicants submit that Barngrover does not teach or suggest all of the features recited in claims 1-11 and 15. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Barngrover and Rose

Claims 16-18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barngrover in view of U.S. Patent No. 6,551,557 ("Rose"). This rejection is respectfully traversed.

The Patent Office admits that Barngrover does not teach or suggest the specific pumps recited in claims 16-18. The Patent Office introduces Rose as allegedly teaching this feature. However, Applicants submit that Rose does not remedy the deficiencies of Barngrover.

In particular, Rose also does not teach or suggest a means for maintaining the liquid at the desired liquid level in the discharging vessel and the storage vessel (which desired liquid level is equal in the vessels), wherein the means for maintaining the desired liquid level comprises a liquid supplying means and a liquid discharging means connected to the

discharge tube to discharge the liquid from the discharging vessel through the discharge tube, as recited in the present claims.

For the foregoing reasons, Applicants submit that Barngrover and Rose, in combination or alone, do not teach or suggest all of the features recited in claims 16-18. Reconsideration and withdrawal of the rejection are thus respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: August 30, 2006

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